IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 345 of 2002 (S/B)

Pradeep Agarwal and others …… Petitioners

Versus

U.P.Rajkiya Nirman Nigam and others …… Respondents

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Miss. Menka Tripathi, Advocate, learned counsel for the petitioners
Mr. Beena Pande, learned Standing Counsel, Government of U.P.
Mr. Anil Kumar Joshi for respondent nos. 1 to 3.

Coram: Hon. V.S.Sirpurkar, C.J.
Hon. Irshad Hussain, J.

Dated: August 10, 2004

PC:

1. Rule.

2. Heard finally with the consent of parties. Parties waive notices.

4. Miss Menka Tripathi, learned counsel for the petitioners, has pointed out that all the petitioners are non-technical staff working as Assistant Accountants in the establishment of the respondent-Rajkiya Nirman Nigam. It is pointed out that in respect of some employees of the Government, a decision was taken that such employees who are regularly selected employes and who have completed ten years of satisfactory service, it they do not have venues for further promotion, they should be granted selection grade. That was in case of the Government servants. Learned counsel for the petitioners invites our attention to page 37 on the order dated 25.2.1997, whereby such benefit was conferred upon the Government servants. Learned counsel for the petitioners further asserts that these petitioners are also such, who do not have any avenue for promotion and, therefore, these petitioners would also be entitled to the benefit of selection grade. Our attention is invited to the prayer whereby a direction to give selection grade to the petitioners w.e.f. the date when they complete ten years of service, has been made. In their reply the respondents, more particularly respondent no.4, State of U.P. has come up, specifically with some facts in their affidavit dated 14.06.2004. It is pointed out therein that this Court vide order dated 12.05.2004 had directed the answering respondent no.4 to take a decision on the recommendations of Rajkiya Nirman Nigam for compliance of the order dated 12.09.2003 within a period of three weeks. It is pointed out that

application was made to recall that order dated 12.05.2004 on the ground that the authority to consider the matter, did not lie with the respondent no.4, but the Board of Directors of the Rajkiya Nirman Nigam. It is then pointed out that the said order was recalled by an order dated 26.05.2004 and the meeting of the Board of Directors was convened in pursuance of the order passed on 26.05.2004. Ultimately, it is pointed out that the Board of Directors has actually recommended that the employees like the petitioners would be entitled to the said selection grade after ten years of satisfactory service. In para 8, the said resolution is also noted. However, it is pointed out that the final decision has to be taken and the competent authority for that purpose is Bureau of Public Enterprises. The said Bureau of Public Enterprises through its Secretary is joined as respondent no.4 to this petition. Mrs. Beena Pande, learned counsel for the forth respondent, says that the said proposal is pending before the Bureau of Public Enterprises for taking final decision on the recommendation made by the Board of Directors. Now if that decision is taken and it goes in favour of the petitioners, there will be no question of progressing with this petition. However, considering that the controversy is pending for years, it is better that forth respondent decide the matter one way or other as early as possible. Learned counsel for the forth respondent, for that purpose seeks six weeks time and assures us that a decision will be taken on the basis of the recommendation of the Board of Directors dated 11.06.2004 vide letter dated 121 Camp RNN 2004. If that is so, there will be no reason for us to proceed with this petition. The petition would be disposed of on the basis of the statement of the learned counsel for the forth respondent. That final decision on the recommendation of the Board of Directors, will be taken within six weeks from today. Learned Standing Counsel also assures that time schedule shall be very strictly adhered to. With these directions, the writ petition is disposed of.

(Irshad Hussain, J.) **(V.S.Sirpurkar, C.J.)**
10.8.2004 **10.08.2004**

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